

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director, Development Review  
**DATE:** February 23, 2106  
**SUBJECT:** BZA 19183, 1440 Newton Street, NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- § 401.3, Lot Area (1,800 square feet required, 1,520 square feet for each lot proposed); and
- § 401.3, Lot Width (18 feet required, 16 feet for each lot proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	1440 Newton Street, NW
Legal Description	Square 2677, Lot 844 with underlying record lots 585 and 586.
Ward/ANC	1/1A
Lot Characteristics	A flat rectangular lot narrow with no alley access. Historic maps indicate that, in the past, both of the record lots were developed with a row house. The date of demolition is unknown.
Zoning	R-4– row houses and flats
Existing Development	Vacant
Historic District	Not applicable
Adjacent Properties	North: Apartments South: Two-story row houses East: Across the public alley, row houses West: Across Warren Street, two and one-half story row houses
Surrounding Neighborhood Character	The neighborhood is a mixture of apartment buildings flats and single family row dwellings. Along 14 <sup>th</sup> and 16 <sup>th</sup> Streets, NW are commercial uses in the C-2-A zone.



Site Location and Zoning

### III. APPLICATION IN BRIEF

The Zoning Administrator's memorandum to the BZA (Exhibit --) states that the required relief is:

1. Variance from § 3103.4 to create two lots that do not meet the minimum lot area requirement of § 401.3 in the R-4 residence zone, (§ 3103.2).
2. Variance from § 3103.4 to create two lots that do not meet the minimum lot width requirement of § 401.3 in the R-4 residence zone, (§ 3103.2).

The property was created as two lots and remains as two record lots that have been combined into one lot for tax purposes. The Applicant states that this was brought to the ZA's attention but the relief was maintained.

The property was downzoned from the R-5-B zone to the R-4 zone in 2008 (ZC 06-36) through an ANC sponsored map amendment to specifically retain the row house character of the area. Generally, the R-4 zones lot along the south side of Newton Street, NW averages 1,500 to 1,520 square feet in area and 15-16 feet wide.

#### **IV. OFFICE OF PLANNING ANALYSIS**

##### **a. Variance Relief from § 401, Minimum Lot Dimensions**

##### **i. Exceptional Situation Resulting in a Practical Difficulty**

In 1958 the property was within an area zoned R-5-A, mostly to recognize the many apartment buildings in the area although there were a number of rowhouses. Subsequently, many of the rowhouses were reconfigured and converted to apartments as well as being demolished and new apartments constructed. The ANC then petitioned the Zoning Commission to rezone the properties to the R-4 zone to retain the rowhouse character of the streets even though the lots did not meet the R-4 requirements. The subject property contains two record lots which are nonconforming, for lot area and lot width. Although one large lot could be created in conformance with the lot width and area requirements, the size of this one lot would be out of character with the surrounding row house development. The lot area could not be enlarged to meet the R-4 requirements as the adjacent properties are not vacant. All these factors are exceptional situations which results in a practical difficulty to meet the required lot area and lot width for both lots.

##### **ii. No Substantial Detriment to the Public Good**

Generally, the R-4 zoned lots along the south side of Newton Street, NW average 1,500 to 1,520 square feet in area and 15 to 16 feet in width. The subject tax lot has an area of 3,040 square feet and a width of 32 feet which is unlike the lot area and lot width of the other rowhouse along the southern side of Newton Street. Developing this property as a single family house or flat would be unlike the existing row dwellings and would not retain the “rowhouse pattern” along the street frontage as recommended by the Comprehensive Plan and by the Zoning Commission map amendment which envisioned rowhouses similar to those existing, along this street. Creation of the two lots would be more consistent with the pattern of lot sizes, lot widths, housing type and would lead to a filling in of the gap along the street frontage and therefore would not be a detriment to the public good.

The granting of variances to lot area and lot width would permit two lots that would allow the development of two flats. Although the lots would be smaller than that required by the R-4, they would be more similar in area and width to the existing surrounding neighborhood than would be one large lot, large enough to permit code compliant dwellings and allow for infill development consistent with the surrounding neighborhood, and would be consistent with the underlying record lots.

##### **iii. No Substantial Harm to the Zoning Regulations**

The requested variances would permit two lots in the R-4 district of sufficient size to permit the development of row houses or flats and would therefore not substantially harm the Zoning Regulations, particularly since they would reflect the underlying record lots.

#### **V. COMMUNITY COMMENTS**

The property is within ANC-1A. At its regularly scheduled meeting of February 8, 2016, the ANC voted unanimously in support of the application.

#### **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.